United Nations A/66/338

General Assembly

Distr.: General
6 September 2011

Original: English

Sixty-sixth session
Item 35 of the provisional agenda*
The situation in the Middle East

The situation in the Middle East

Report of the Secretary-General

Summary

The present report contains a reply received from the Syrian Arab Republic in response to the note verbale dated 12 May 2011 from the Secretary-General concerning the implementation of the relevant provisions of General Assembly resolutions 65/17, entitled "Jerusalem", and 65/18, entitled "The Syrian Golan".

* A/66/150.

11-48691 (E) 270911

Please recycle

I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 65/17 and 65/18. In its resolution 65/17, the Assembly stressed that a comprehensive, just and lasting solution to the question of the City of Jerusalem should take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by the people of all religions and nationalities. In its resolution 65/18, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions.

2. On 12 May 2011, in order to fulfil my reporting responsibility under resolutions 65/17 and 65/18, I addressed notes verbales to the Permanent Representative of Israel and the Permanent Representatives of other Member States to the United Nations requesting them to inform me of any steps their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. As at 31 August 2011, one reply had been received from the Syrian Arab Republic. This reply is reproduced in section II of the present report.

II. Reply received from Member States

Syrian Arab Republic

[Original: Arabic]

Since the Israeli occupation of the Syrian Golan in 1967, the international community has consistently maintained its forceful rejection of that occupation, demanding that occupying Israeli forces should be withdrawn from all of the Syrian Golan. The General Assembly, in its resolution 65/18, affirmed the deep concern felt by the international community at the failure of Israel to withdraw from the occupied Syrian Golan and comply with Security Council and General Assembly resolutions adopted in that regard. In resolution 65/18, the Assembly declared that the Israeli decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and had no validity whatsoever, as confirmed by the Security Council in its resolution 497 (1981), and called upon Israel to rescind the decision.

After 44 years of that despotic occupation, notwithstanding internationally recognized resolutions, the demands for that occupation to end that have been made at international gatherings by most countries of the world and condemnation of the daily Israeli tyrannical practices and blatant violations of all international conventions and customs, Israel remains indifferent to all those demands and international resolutions. There are no obstacles placed in the path of its expansionist ambitions and no limits to its impunity and disregard for international law.

The Syrian Arab Republic has affirmed its intense desire to continue to work and cooperate with the United Nations with a view to ending that occupation through the implementation of the relevant resolutions on ending the Israeli occupation of the Syrian Golan and other Arab territories. On the basis of that understanding, the Syrian Arab Republic states in no uncertain terms that United Nations resolutions continue to serve as the basic terms of reference for the just and comprehensive resolution of the problems in the Middle East. Given that fixed principle of Syrian policy, President Bashar al-Assad has declared on more than one occasion that the Syrian Arab Republic is willing to resume peace negotiations on the same basis on which the Madrid peace process was started in 1991. The Syrian Arab Republic has also declared in all international forums its full commitment to the relevant international resolutions and has called for their implementation, in particular Security Council resolutions 242 (1967), 338 (1973) and 497 (1981). The Syrian Arab Republic has also called for implementation of the principle of land for peace, in order to ensure full withdrawal by Israel from all of the occupied Syrian Golan to the line of 4 June 1967.

The Syrian Arab Republic strongly condemns the continued denial by Israel of Arab and Syrian rights as enshrined in the Charter of the United Nations and, in particular, its criminal mass murder of peaceful demonstrators in occupied Syrian territory who were merely trying to remind the world of their right to return to their homes in the cities and towns in the occupied Syrian Golan and Occupied Palestinian Territory that they were forced to leave over four decades ago. We note in this regard that on 5 June 2011, the forty-fourth anniversary of the 1967 Naksa, the Israeli occupation forces perpetrated an abhorrent massacre when they fired live ammunition at peaceful unarmed Syrian and Palestinian demonstrators on the Syrian side of the ceasefire line in the occupied Syrian Golan, resulting in 23 dead and 350 injured. We also note that on 15 May 2011, the occupation forces committed a similar crime near the ceasefire line in the occupied Syrian Golan during a commemoration of the 1948 Nakba, when they fired live ammunition to disperse peaceful demonstrators, resulting in 15 dead and dozens injured. These incidents demonstrate that there are certain people who want Israel to remain the single exception to application of the provisions of international law and to benefit from impunity in all situations.

The Government of the Syrian Arab Republic denounces the decisions made by the Israeli Government to intensify settlement in the occupied Syrian Golan, of which the most recent was the settlement campaign conducted by the so-called Golan Regional Council during December 2010 under the slogan "Come to the Golan", which was designed to induce thousands of Israeli families to settle in the Golan. The Government of the Syrian Arab Republic also condemns the Golan Regional Council's decision, endorsed by the Government of the occupation, to build a new tourist settlement village near the Israeli settlement of Ani'am. It also condemns the cooperation between the Regional Council and the management of the extremist religious settlement of Yonatan, which aims to attract thousands of settlers to the occupied Syrian Golan, and the focus by Israeli tourism companies on building settlements in the guise of "tourist villages" in the Batihah region in the far south of the occupied Golan and, in particular, in the region known as Tall al-Sayyadin on the eastern shore of Lake Tiberias. It also condemns the tourist excursions to those villages that are organized by international Jewish organizations and the infrastructure development and settlement expansion by the occupation

authorities in the settlements of, inter alia, Eliad, Ein Zivan, Natur, Khasfin, Hadnes and Nof. Such Israeli actions make it clear that the true intention of Israel is to reject peace, paying no heed to Security Council or General Assembly resolutions, the most recent of which is General Assembly resolution 65/106, which reiterated the demand for the complete cessation of all Israeli settlement activities and other Israeli activities in the occupied Syrian Golan.

The Government of the Syrian Arab Republic condemns the distribution by the Permanent Representative of Israel to the United Nations in New York of products from the occupied Syrian Golan, and stresses that such behaviour constitutes a flagrant violation of Security Council resolution 497 (1981) and General Assembly resolution 65/179, entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources". The Syrian Arab Republic calls on Member States of the United Nations to refuse to import such goods in order to comply with international law and emphasize the need for Israel to respect that law.

The Syrian Arab Republic condemns the Israeli occupying authorities for extracting water from Mas`adah Lake in the occupied Syrian Golan and diverting it to settlement farms in December 2010. As a result of that Israeli measure, which contravenes international law and the Fourth Geneva Convention, Syrian citizens in the Golan have sustained material losses that are estimated at some $20 million. Those losses have been incurred by the loss of fish stocks and poor apple yields in the farms that are irrigated by lake waters and the inadequacy of water for orchards. We have made previous reference in our annual reports on Israeli practices in the Golan to the policies of the Israeli occupying authorities, which are deliberately designed to control the waters of the Golan and deny Syrian citizens their natural rights over their own water. This latest Israeli measure, namely, the extraction of the waters of Mas`adah Lake, constitutes an economic and environmental catastrophe of enormous proportions for Syrian citizens in the occupied Syrian Golan.

Israel's actions are, indeed, a violation of Security Council resolution 465 (1980), seventh preambular paragraph, which calls upon Israel to take into account the need to consider measures for the impartial protection of private and public land and property, and water resources. Israeli actions are, furthermore, a violation of paragraph 5 of the aforementioned resolution, which determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Arab territories occupied since 1967 have no legal validity. Security Council resolution 497 (1981) confirmed that those measures were null and void and without international legal effect.

The Syrian Arab Republic, in accordance with international law and United Nations resolutions, demands that the General Assembly and the international community should assume their responsibility to prevent Israel from persisting in its sustained violations, with particular respect to the plundering of the natural resources of occupied Arab territories, including water in the occupied Syrian Golan.

The Syrian Arab Republic rejects the Israeli Knesset decision of 22 November 2010 to hold a referendum on withdrawal from the occupied Syrian Golan and East Jerusalem, requiring the support of more than 80 per cent of Israelis for such withdrawal. That decision represents a violation of, and shows contempt for,

international law, which stipulates that territory may not be acquired by force. It is also incompatible with Security Council resolution 497 (1981).

The Government of the Syrian Arab Republic reaffirms the request it has made to the Secretary-General, the President of the General Assembly, the United Nations High Commissioner for Human Rights, the President of the Human Rights Council and the President of the International Committee of the Red Cross to bring pressure to bear on Israel to ensure that the Syrian prisoners detained in its jails are kept in more humane health conditions. It expresses its rejection of the sham trial conducted on 14 July 2010 by the Israeli District Court in Nazareth of Majid al Sha'ir, who was sentenced to five and one half years in prison, and his son, Fida al-Sha'ir, who was sentenced to three years in prison, on the charge of passing information to the Syrian motherland. It also expresses its rejection of the sham trial by the Israeli occupation authorities of Syrian citizen Yusuf Shams, who was sentenced by the Israeli occupation authorities to five years in prison.

The Government of the Syrian Arab Republic also emphasizes its request to the above-mentioned international figures to bring pressure to bear on Israel to rescind its decision barring visits by citizens from the occupied Syrian Golan to their homeland, the Syrian Arab Republic, through the Qunaitra crossing. In December 2010, as one outcome of that decision, relatives of the young Syrian student Firas Abu Salih were prevented for three days from crossing into their motherland Syria to be at his side as he was lying in Shami Hospital in Damascus, on the pretext that they did not have permission to cross from the Israeli army. That decision should be rescinded in view of the material, mental and physical suffering of Syrian citizens caused by that tyrannical Israeli practice, which contravenes the Geneva Conventions and all international humanitarian instruments and norms. The Government stresses that Israeli practices in the occupied Syrian Golan exceed all legal and moral bounds, the most recent example being the imposition by the Israeli occupation authorities of two years' house arrest on a two-year-old child, Fahid Lu'ay Shuqeir, on the pretext that he was born outside Israel when his parents were studying in the Syrian Arab Republic.

The Government of the Syrian Arab Republic emphasizes the need to take measures to ensure the implementation of relevant international resolutions without bias or selectivity, and to invoke the Geneva Conventions in order to bring pressure to bear on Israel, the occupying Power, to comply with the wishes of the international community in order to achieve a just and comprehensive peace in the Middle East.

Similarly, the Syrian Arab Republic emphasizes its support for General Assembly resolution 65/17, entitled "Jerusalem", and calls upon the international community to bring pressure to bear on Israel to end its occupation of the Arab territories that it has occupied since 1967, including Jerusalem, and comply with Security Council resolution 478 (1980), in which the Council decided not to recognize the "basic law" regarding Jerusalem that was enacted by Israel and affirmed that the Israeli decision to impose its laws, jurisdiction and administration on the city of Jerusalem was illegitimate and therefore null and void and without any validity whatsoever. The Syrian Arab Republic also stresses that the continuation by Israel, the occupying Power, of illegal settlement activities, its destruction of Palestinian houses and its construction of the wall in and around East Jerusalem with the goal of isolating the city from the rest of the Occupied

Palestinian Territory and in continuing defiance of the advisory opinion rendered on 9 July 2004 by the International Court of Justice, all demonstrate that the goal of Israeli policy is to create a reality that would make the establishment of a viable Palestinian state impossible and undermine any possibility of a peaceful solution.